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# Message Text

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73
ACTION NEA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 IO-11

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INFO AMEMBASSY AMMAN
AMEMBASSY CAIRO
AMEMBASSY DAMASCUS
AMEMBASSY JIDDA
AMEMBASS TEL AVIV
USMISSION USUN

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E.O. 11652: N/A
TAGS: PBOR, PINS, IS, JO
SUBJECT: ISRAELI JUDGE RULES JEWS CAN PRAY ON TEMPLE MOUNT

REF: 75 JERUSALEM 789 (NOTAL)

1. SUMMARY. JERUSALEM MAGISTRATE RULED JAN 28 THAT JEWS HAVE RIGHT TO PRAY ON TEMPLE MOUNT (HARAM ES-SHARIF). RULING MADE IN CONNECTION WITH CHARGES AGAINST EIGHT YOUTHS ARRESTED MAY 8, 1975 (REFTEL) FOLLOWING CLASH WITH POLICE AND ARAB YOUTH ON TEMPLE MOUNT. APPEAL PROBABLE IN LIGHT OF POLITICAL RAMIFICATIONS. END SUMMARY.

2. JAN 29 JERUSALEM POST REPORTS RULING PREVIOUS DAY BY JERUSALEM MAGISTRATE THAT JEWS HAVE RIGHT TO PRAY ON TEMPLE MOUNT. SINCE ISRAELIS OBTAINED CONTROL OF OLD CITY IN 1967, ISRAELI AUTHORITIES HAVE PROHIBITED SUCH PRAYERS. PROHIBITION IS CONSISTENT WITH JEWISH RELIGIOUS LAW (HALACHA) WHICH FORBIDS JEWS FROM SETTING FOOT ON TEMPLE MOUNT UNTIL
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MESSIAH'S RETURN. (MANY NON-ORTHODOX JEWS IGNORE THIS

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LAW.) IN IMPOSING BAN, HOWEVER, GOI UNDOUBTEDLY ALSO MOTIVATED BY POLITICAL CONSIDERATIONS AND DESIRE TO AVOID PRECISELY TYPE OF CLASH GIVING RISE TO THIS COURT CASE.

3. CASE LEADING TO RULING AROSE FROM ARREST OF NUMBER OF JEWISH YOUTHS ON MAY 8, 1975, CELEBRATED BY ISRAELIS AS JERUSALEM REUNIFICATION DAY. AS REPORTED REFTEL, WHEN ARAB GUARDS ATTEMPTED TO STOP JEWS FROM DANCING AND SINGING, ARAB YOUTH JOINED IN AND CLASH ENSURED RUING WHICH PAINT WAS SPRAYED ON ROYAL CREST ON TOMB OF KING HUSSEIN'S GREAT GRANDFATHER. (PAINT REMOVED BY MUNICIPALITY.) POST STORY MAKES NO MENTION OF PAINT INCIDENT, STATING ONLY THAT ARAB YOUTH THREW STONES AT JEWS WHEN LATTER ATTEMPTED TO PRAY ON TEMPLE MOUNT.

4. JUDGE REPORTEDLY EXPRESSED ASTONISHMENT THAT POLICE ON ON MOUNT HAVE ORDERS TO FORBID JEWS FROM PRAYING THERE AND SUGGESTED THAT, TO AVOID DISTURBANCES, REGULATIONS SHOULD SPECIFY WHO HAS RIGHT TO PRAY AT CERTAIN TIMES AND PLACES BUT THAT JEWS AS WELL AS MOSLEMS SHOULD BE FREE TO PRAY ON SITE THAT IS HOLY TO BOTH. SHE ALSO CRITICIZED PLICE FOR ALLEGEDLY BEATING JEWISH YOUTH AND NOT INTERFERING WITH ARAB YOUTH SAID TO HAVE BEEN THROWING STONES, AND FOR VIOLATING LAW THAT PERMITS FREE ACCESS TO HOLY PLACES.

5. THERE HAVE BEEN OCCASIONAL INCIDENTS PRIOR TO ONE LAST MAY IN WHICH INDIVIDUAL JEWS OR SMALL GROUPS HAVE ATTEMPTED TO PRAY ON TEMPLE MOUNT AND HAVE BEEN FORCED TO LEAVE BY POLICE. THERE HAS BEEN NO PREVIOUS SERIOUS CHALLENGE TO ISRAELI PROHIBITION ON JEWISH PRAYERS THERE OF WHICH WE ARE AWARE, HOWEVER, AND IT SEEMS PROBABLE THAT JUDGE'S RULING WILL BE APPEALED IN LIGHT OF INTERNATIONAL POLITICAL RAMIFICATIONS INVOLVED. POST STORY NOTES IN THIS CONNECTION THAT JUDGE HAS BEEN ON BENCH BARELY ONE YEAR. IT ALSO REPORTS BEING INFORMED BY LIKUD CITY COUNCIL MEMBER OF PLANS TO ORGANIZE "PRAY-IN" ON TEMPLE MOUNT IN LIGHT OF MAGISTRATE'S RULING. KNOWLEDGEABLE MUNICIPALITY SOURCE EXPRESSED OPINION TO US THAT THERE WILL BE NO CHANGE IN PRESENT ARRANGEMENTS RE TEMPLE MOUNT AND THAT COUNCIL MEMBER'S EFFORT IS SIMPLY POLITICAL PLOY OF LITTLE SIGNIFICANCE.
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# Message Attributes

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**Channel Indicators:** n/a
**Current Classification:** UNCLASSIFIED
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**Decaption Date:** 01 JAN 1960
**Decaption Note:**
**Disposition Action:** RELEASED
**Disposition Approved on Date:**
**Disposition Authority:** morefirh
**Disposition Case Number:** n/a
**Disposition Comment:** 25 YEAR REVIEW
**Disposition Date:** 28 MAY 2004
**Disposition Event:**
**Disposition History:** n/a
**Disposition Reason:**
**Disposition Remarks:**
**Document Number:** 1976JERUSA00138
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**Drafter:** n/a
**Enclosure:** n/a
**Executive Order:** N/A
**Errors:** N/A
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**Reference:** 76 JERUSALEM 789
**Review Action:** RELEASED, APPROVED
**Review Authority:** morefirh
**Review Comment:** n/a
**Review Content Flags:**
**Review Date:** 13 MAY 2004
**Review Event:**
**Review Exemptions:** n/a
**Review History:** RELEASED <13 MAY 2004 by ShawDG>; APPROVED <17 MAY 2004 by morefirh>
**Review Markings:**

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EO Systematic Review
04 MAY 2006

**Review Media Identifier:**
**Review Referrals:** n/a
**Review Release Date:** n/a
**Review Release Event:** n/a
**Review Transfer Date:**
**Review Withdrawn Fields:** n/a
**Secure:** OPEN
**Status:** NATIVE
**Subject:** ISRAELI JUDGE RULES JEWS CAN PRAY ON TEMPLE MOUNT
**TAGS:** PBOR, PINS, IS, JO
**To:** STATE
**Type:** TE
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006